IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 8TH MARCH 2007 / 17TH PHALGUNA 1928

Crl.MC.No. 638 of 2007()

CC.671/2000 of JUDL.MAGISTRATE OF FIRST CLASS-I, HOSDRUG

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PETITIONER: ACCUSED

K.V.MOHANAN, S/O.AMBHUNHI, AGED 41
YEARS, RESIDING AT ARAYI, PALAKKAL,
KANHANGAD VILLAGE, HOSDURG TALUK,
KASARAGOD DISTRICT.

BY ADV. SRI.T.MADHU

RESPONDENTS: STATE

THE STATION HOUSE OFFICER,
HOSDURG POLICE STATION,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 08/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.No.638 of 2007

Dated this the 8th day of March 2007

O R D E R

The petitioner faces indictment in a prosecution interalia under Section 324 I.P.C. He was employed abroad. He could not appear before the learned Magistrate. The case against him has been transferred to the list of long pending cases. Coercive process issued by the learned Magistrate is chasing him. The petitioner is willing to surrender before the learned Magistrate. But the petitioner apprehends that the learned Magistrate may not consider his application for bail on merits, in accordance with law and expeditiously. He has hence come to this court with the prayer that directions under Section 482 Cr.P.C may be issued to the learned Magistrate to release him on bail on the date of surrender itself.

2. It is for the petitioner to appear before the learned Magistrate and explain to the learned Magistrate, the circumstances under which he could not earlier appear before the learned Magistrate.

3. I find absolutely no reason to assume that the learned Magistrate would not consider the application for bail to be filed by the petitioner on merits, in accordance with law and expeditiously. Every court must do the same. No special or specific directions appear to be necessary. Sufficient general directions have been issued in Alice George vs. Deputy Superintendent of Police [2003(1)KLT 339].

4. In the result, this Crl.M.C is dismissed but with the specific observation that if the petitioner surrenders before the learned Magistrate and applies for bail, after giving sufficient prior notice to the learned Public Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits, in accordance with law and expeditiously - on the date of surrender itself unless there are compelling reasons.

Hand over copy of this order to the learned counsel for the petitioner.

(R.BASANT, JUDGE)

jsr

R.BASANT, J

C.R.R.P.No.

ORDER

21ST DAY OF JULY 2006